

# Aguilar Subdivision Unit 1

City of El Paso — City Plan Commission — 12/6/2018

**SUSU18 - 00064 — Major Combination REVISED**



|  |  |
|--|--|
| <b>STAFF CONTACT:</b>                  | Jim Henry, (915) 212-1608, <a href="mailto:henryji@elpasotexas.gov">henryji@elpasotexas.gov</a>  |
| <b>PROPERTY OWNER:</b>                 | Pellicano and 375 LLC  |
| <b>REPRESENTATIVE:</b>                 | SLI Engineering  |
| <b>LOCATION:</b>                       | North of Pellicano and East of Joe Battle, District 6  |
| <b>ACREAGE:</b>                        | 8.3263   |
| <b>VESTED:</b>                         | No   |
| <b>PARK FEES REQUIRED:</b>             | \$8,330.00   |
| <b>EXCEPTION/MODIFICATION REQUEST:</b> | To waive 1' of parkway along Pellicano; and<br>To waive the required 15' parkway along Joe Battle, including the 5' landscape buffer and the 10' hike and bike.  |
| <b>RELATED APPLICATIONS:</b>           | PZR18-00039 (Rezoning request from R-3 (Residential) to C-4 (Commercial))  |
| <b>PUBLIC INPUT:</b>                   | N/A  |
| <b>STAFF RECOMMENDATION:</b>           | <b>Approval</b> on major combination basis with the following conditions:<br>1. The prior to recording of the final plat, the City and TxDOT must approve the applicant's Traffic Impact Analysis (TIA).<br>2. That prior to the recording of the final plat, the design and the installation of the new sewer main serving the property be finalized; and<br>3. City Council must approve the rezoning request to rezone the property from R-3 to C-4 prior to the recording of the final plat. |

**SUMMARY OF REQUEST:** The applicant proposes to subdivide 8.3263 acres of vacant land into 1 lot. The lot is currently zoned R-3 (Residential), but is in the process of being rezoned to C-4 (Commercial). This subdivision is being reviewed under the current subdivision code. Access to the proposed subdivision will be provided via Pellicano and Joe Battle.

**SUMMARY OF DCC RECOMMENDATION:** On November 20, 2018, The Development Coordinating Committee (DCC) recommended **approval** of Aguilar Subdivision Unit 1 on a major combination basis as well as the waiver request along Pellicano; however, the DCC recommended **denial** of the waiver request for the 15' parkway along Joe Battle to include a 5' landscape buffer and a 10' hike and bike.



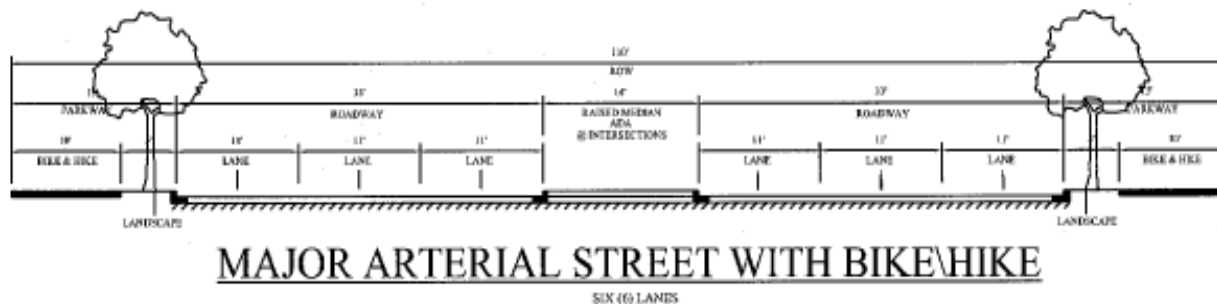
## DESCRIPTION OF ANY EXCEPTIONS, MODIFICATIONS, OR WAIVERS

The applicant is requesting the following exemptions requests pursuant to Section 19.10.050A. of the current code:

- The applicant is requesting to waive 1' of landscape parkway along Pellicano.
- To waive the required 15' parkway, including the 5' landscape buffer and the 10' hike and bike along Joe Battle.

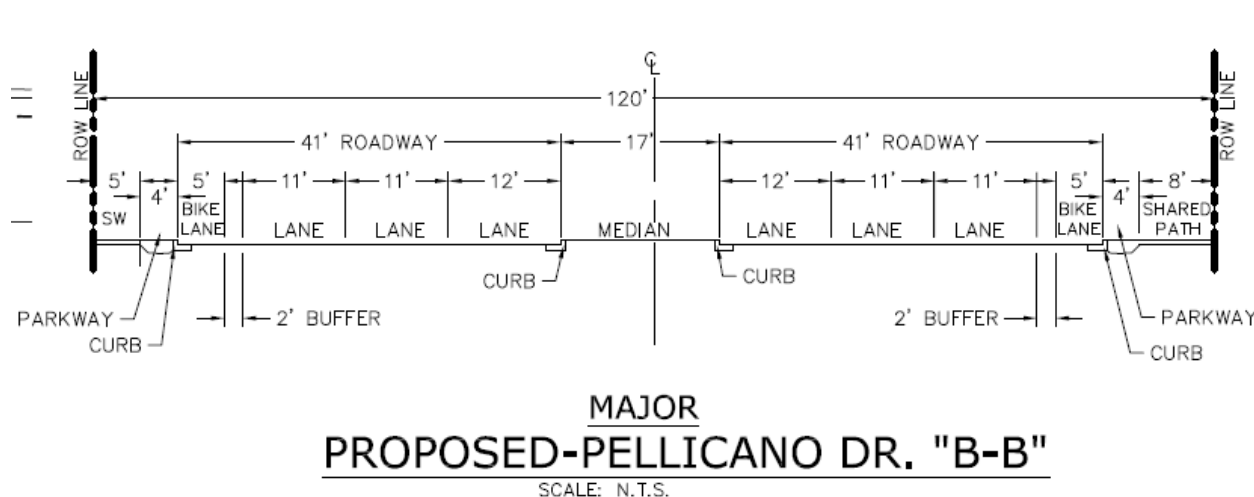
### REQUIRED (Pellicano)

Pellianco is a major arterial, which requires a 33' of roadway, a 10' parkway consisting of a 5' landscape buffer and a 5' sidewalk.



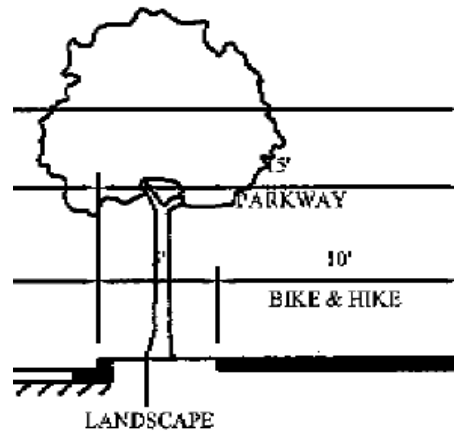
### PROPOSED (Pellicano)

El Paso County will be constructing improvements to Pellicano above and beyond what would be required per the City's DSC. These improvements include 41' of roadway, a 5' bike lane, including a 2' buffer between the bike lane and the driving lanes, as well as a 5' sidewalk, and a 4' parkway. The proposed 4' parkway is 1' narrower than what is required and is the basis for the waiver request.



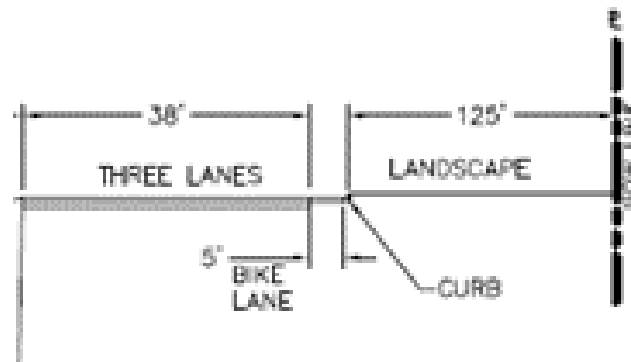
### REQUIRED (Joe Battle)

Joe Battle is classified as a freeway, while the City does not have jurisdiction over a freeway, the City does have purview over parkway improvements with concurrence from TxDOT, which staff has received (see TxDOT comments, pg. 14). The City's bike plan calls for a 15' parkway to include a 5' landscape buffer and a 10' hike and bike.



### PROPOSED (Joe Battle)

The applicant proposes to follow TxDOT requirements, which will only require a 5' sidewalk. However, the applicant is waiting on TxDOT's determination of whether or not a deceleration lane will be required before updating the cross-section to include a sidewalk. It should be noted that there is an existing 5' bike lane along Joe Battle.

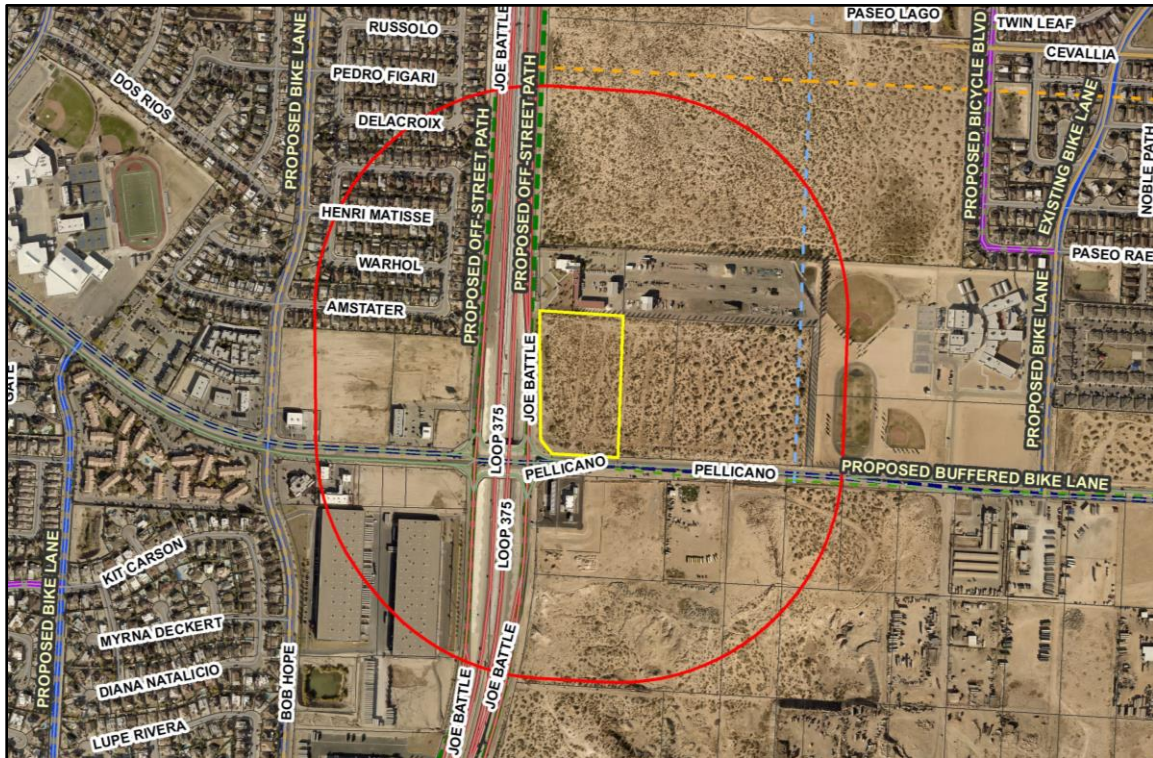


Section 19.10.050.A.1.a (Roadway participation policies—Improvement of roads and utilities within and or abutting the subdivision) provides the criteria the City Plan Commission may use to evaluate an exception request from the DSC standards. The section reads as follows:

#### Section 19.10.050-A

1: The City Plan Commission may waive such requirements to provide rights-of-way or street improvements to adjacent substandard roads based on any of the following factors:

a: Fifty per cent of the lots within a quarter mile of the proposed development have already been developed and the existing street improvements are in character with the neighborhood. The proposed waiver request to waive the installation of a 1' of additional landscaped parkway along Pellicano as well as the installation of the 5' landscape buffer and the 10' hike and bike along Joe Battle **does satisfy** the criteria under Section 19.10.050-A (Roadway participation policies – Improvement of roads and utilities within and or abutting the subdivision).



## RELATION OF PROPOSED APPLICATION TO THE CITY'S COMPREHENSIVE PLAN

**CONSISTENCY WITH PLAN EL PASO:** Subject property is designated G-4, Suburban (Walkable)

| GOAL 2.1   |  |
|--|--|
| The City of El Paso should change its growth pattern away from homogeneous land uses and return to a pattern of compact well-connected mixed-use neighborhoods.                |  |
| POLICY   | DOES IT COMPLY?  |
| <b>Policy 2.1.9:</b> Development is strongly discouraged within critical arroyos.  | Yes, this proposed development is not located within critical arroyos.   |
| <b>Policy 2.1.6:</b> Development is encouraged along existing or planned bicycle networks where additional segments and/or secure bicycle storage can be added to the network. | Yes, the applicant is proposing a new subdivision along an existing and proposed bicycle infrastructure along Pellicano as well as Joe Battle. |

**NEIGHBORHOOD CHARACTER:** Subject property is located at the edge of the City of El Paso municipal boundary. Properties located to the east and south are located in the County are either vacant or sparsely developed. Properties to the north and northwest are zoned R-3 (residential). Properties to the west and southwest are zoned C-4 (commercial). The nearest school is John Drugan Elementary (.25 miles). The nearest City Park is Paseo Del Sol (.35 miles). This property is not located within any Impact Fee Service Area.

**COMMENT FROM THE PUBLIC:** N/A

### STAFF COMMENTS:

Staff is still waiting for TxDOT to comment on the applicant's waiver request to waive the required parkway improvements along Joe Battle. Staff has no further comments.

**PLAT EXPIRATION:**

This application will expire on **December 6 2021**. If the final plat has not been recorded within the specified date, the final plat approval, unless extended in accordance with Chapter 19.41 (Expiration, extension and reinstatement), shall expire and the applicable plat shall be deemed null and void.

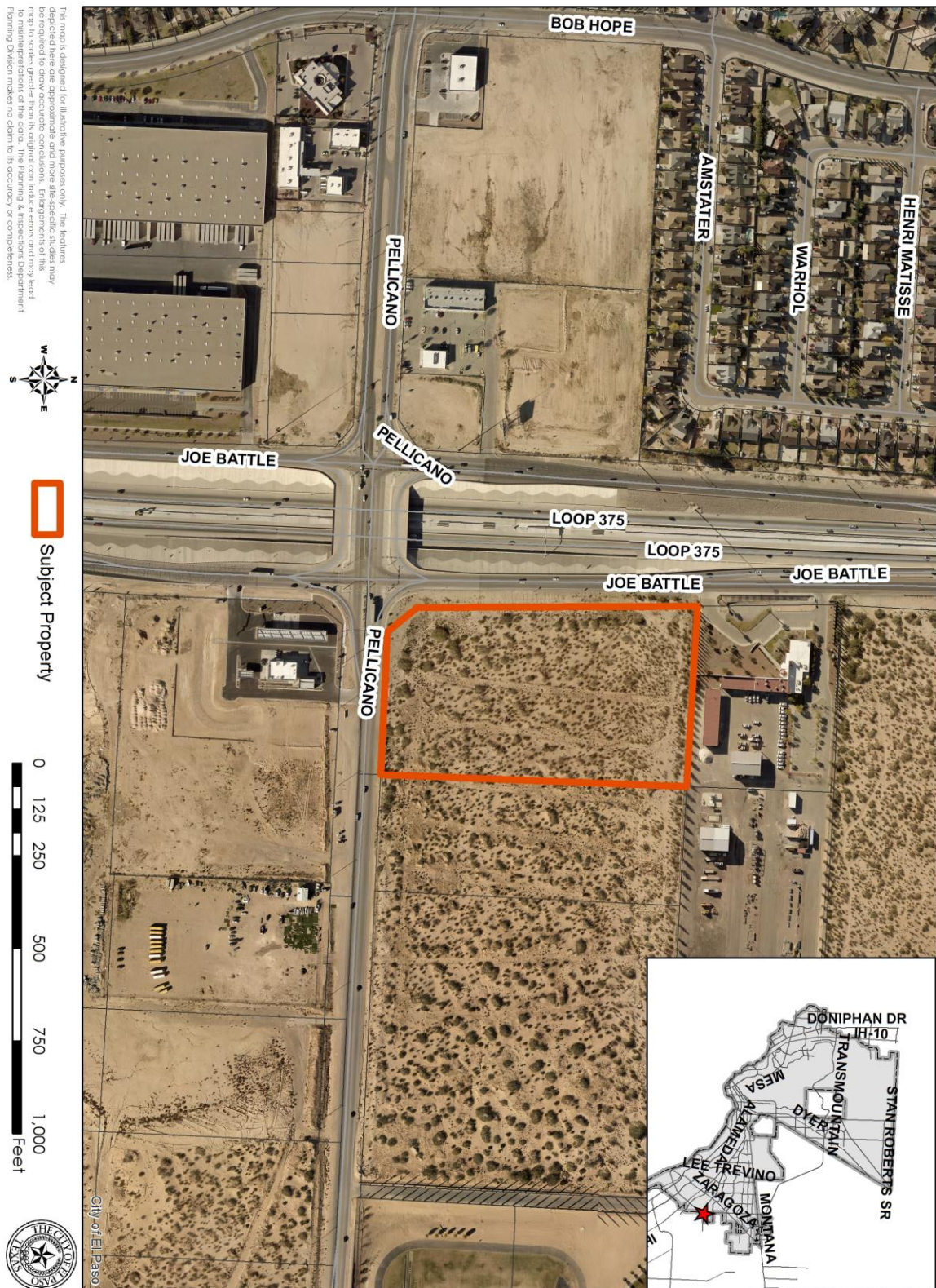
**ATTACHMENTS:**

1. Location Map
2. Preliminary plat
3. Final plat
4. Application
5. Exemption Request
6. Department Comments



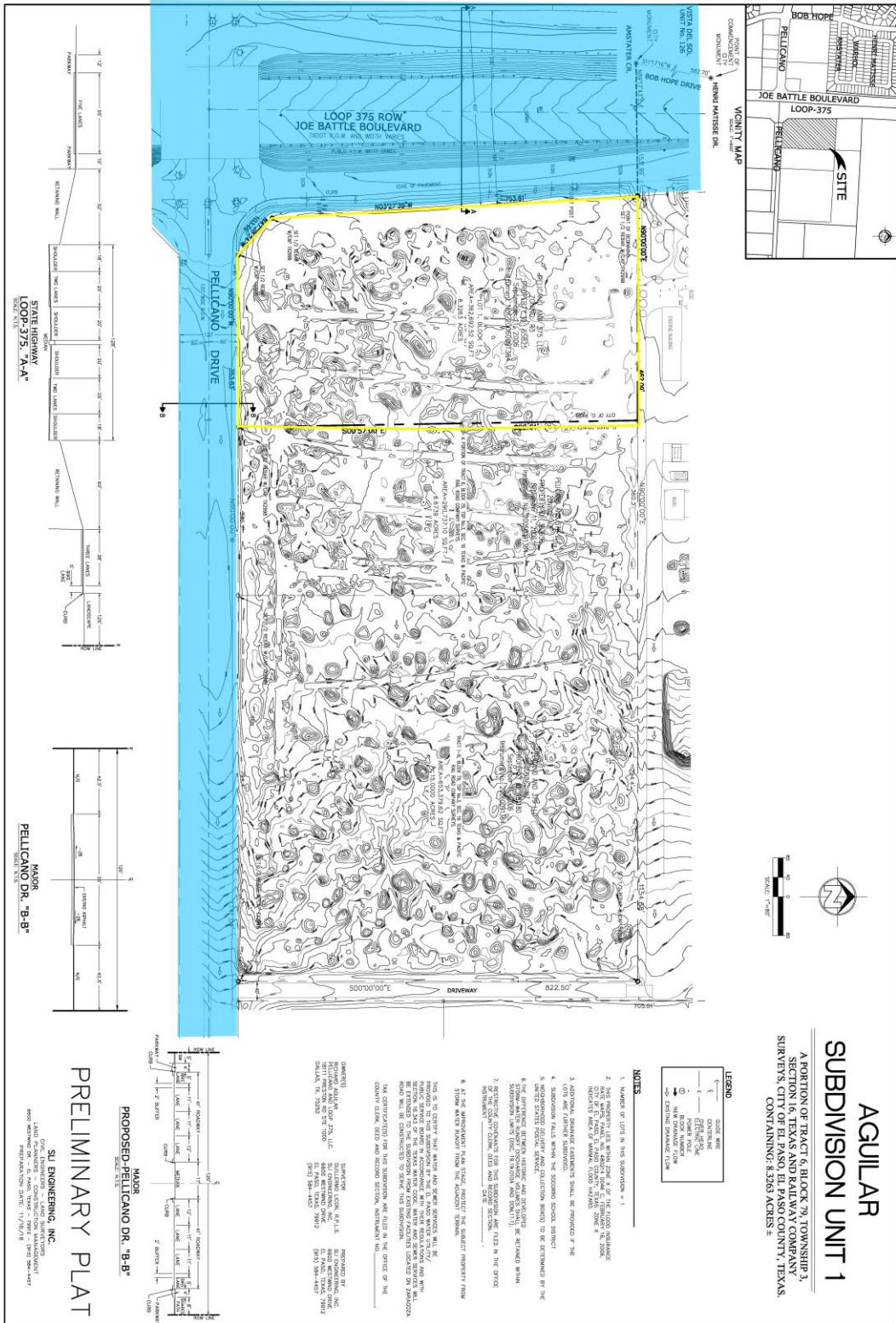
# ATTACHMENT 1

## Aguilar Subdivision Unit 1

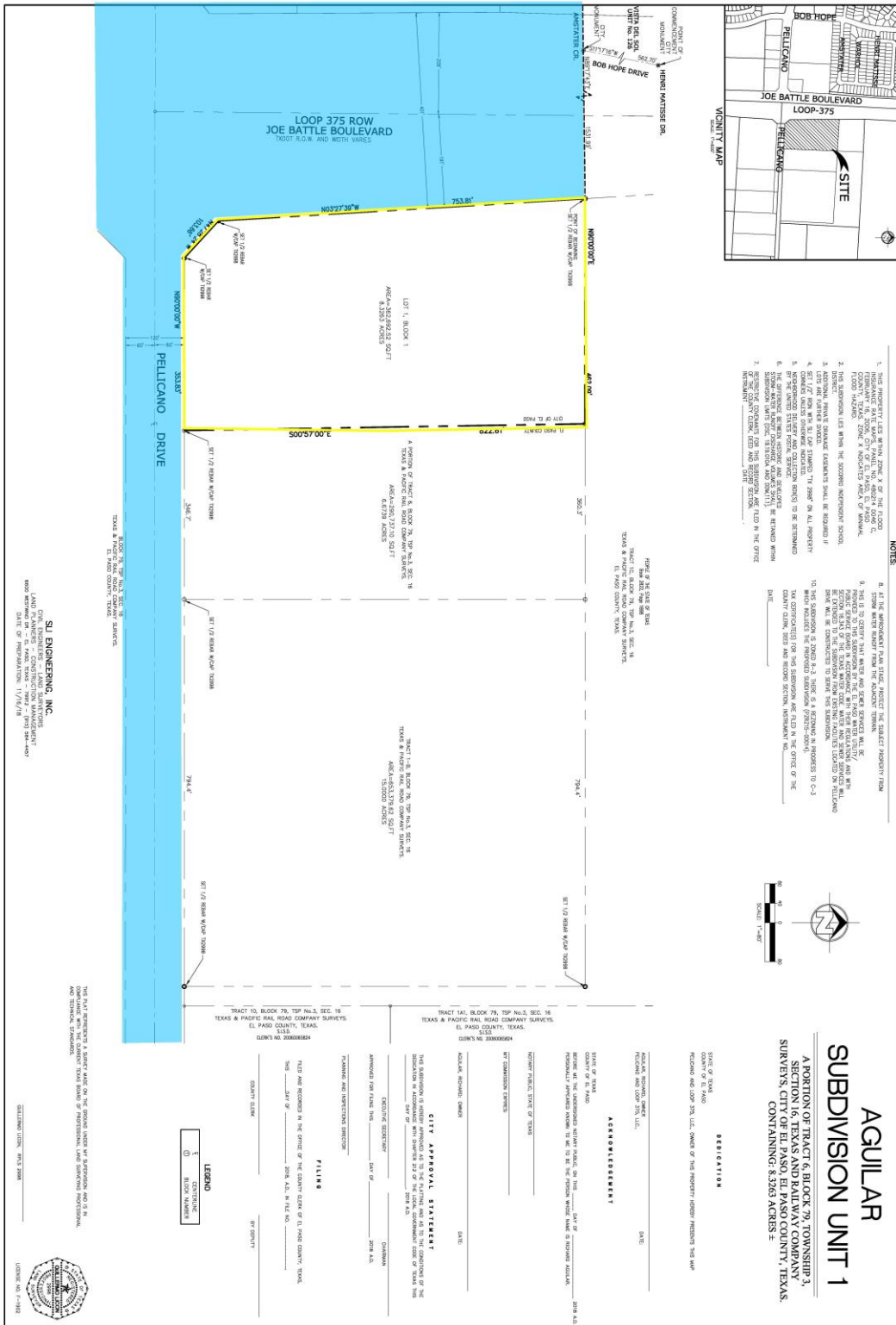




## **ATTACHMENT 2**



## **ATTACHMENT 3**





# ATTACHMENT 4



## CITY PLAN COMMISSION APPLICATION FOR MAJOR COMBINATION SUBDIVISION APPROVAL

DATE: 11/7/18 FILE NO. \_\_\_\_\_  
SUBDIVISION NAME: AGUILAR SUBDIVISION UNIT 1

- Legal description for the area included on this plat (Tract, Block, Grant, etc.)  
Portion of Tract 6, Block 79, Section 16, TS 3  
TEXAS & PACIFIC RAILWAYS CO Survey El Paso, El Paso County, Texas.
- Property Land Uses:
 

|               | ACRES         | SITES    |                       | ACRES         | SITES |
|---------------|---------------|----------|-----------------------|---------------|-------|
| Single-family | _____         | _____    | Office                | _____         | _____ |
| Duplex        | _____         | _____    | Street & Alley        | _____         | _____ |
| Apartment     | _____         | _____    | Ponding & Drainage    | _____         | _____ |
| Mobile Home   | _____         | _____    | Institutional         | _____         | _____ |
| P.U.D.        | _____         | _____    | Other (specify below) | _____         | _____ |
| Park          | _____         | _____    | _____                 | _____         | _____ |
| School        | _____         | _____    | Total No. Sites       | _____         | _____ |
| Commercial    | <u>8.3263</u> | <u>1</u> | Total (Gross) Acreage | <u>8.3263</u> | _____ |
| Industrial    | _____         | _____    |                       |               |       |
- What is existing zoning of the above described property? Res E4 Proposed zoning? Same
- Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? Yes ☒ No \_\_\_\_\_
- What type of utility easements are proposed: Underground \_\_\_\_\_ Overhead \_\_\_\_\_ Combination of Both ☒
- What type of drainage is proposed? (If applicable, list more than one)  
Regional Road
- Are special public improvements proposed in connection with development? Yes ☒ No ☒
- Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes \_\_\_\_\_ No ☒  
If answer is "Yes", please explain the nature of the modification or exception \_\_\_\_\_
- Remarks and/or explanation of special circumstances: \_\_\_\_\_
- Improvement Plans submitted? Yes \_\_\_\_\_ No ☒
- Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes \_\_\_\_\_ No ☒  
If yes, please submit a vested rights petition in accordance with Title I (General Provisions) Chapter 1.04 - Vested Rights

City Development Department  
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

12. Owner of record PELICANO AND 375 LLC; 18111 PRESTON RD STE 1000 DALLAS TX 75252-6099  
(Name & Address) (Zip) (Phone)
13. Developer SAME  
(Name & Address) (Zip) (Phone)
14. Engineer SLI ENGINEERING, INC., 6600 WESTWIND 79912 915 584-4457  
(Name & Address) (Zip) (Phone)

*\*Effective September 1, 2014, a 3%  
Technology fee has been added to all  
Planning application fees.*

OWNER SIGNATURE: 

REPRESENTATIVE: 

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING  
UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND  
COMPLETENESS.

Planning & Inspections Department  
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0088

# ATTACHMENT 5



Page 1 of 1

Guillermo Licón, P.E.  
President

October 15, 2018

Jim Henry  
Planning Division  
City of El Paso  
711 Texas Street  
El Paso Texas

Dear Jim

**Subject: Aguilar Subdivision, A waiver request.**

EPT Properties, LTD cordially requests a waiver for **Code No. 19.10.050 - Roadway participation policies—Improvement of roads and utilities within and or abutting the subdivision of the Municipal Code**, to eliminate the following conditions:

- The dedication of any additional land along Pellicano. . The County show a 4-foot parkway and your staff are requiring a 5-foot parkway. The County is improving the street and the proposed section shown on my plat is what the County shows on their schematic design. This configuration will not be detrimental to the public health, safety and welfare and will be in character with the neighborhood.
- The construction of any improvements on North Joe Battle Blvd and to keep the existing configuration of the street. This condition was requested by your office as a comment on the subdivision listed above. The street serves as a frontage road to the Loop 375. The speed limit is 55 miles per hour. The road belongs to TXDOT. The developer is planning to build a side walk and there is an existing bike lane already on the same street. We do not see the reason for a hike and bike combined since this condition does not exist anywhere on this street within ½ a mile radius.

Civil Engineers  
Land Surveyors & Planners  
Construction Management

Licensed Registered Engineers  
Texas - New Mexico  
Arizona - Colorado

6600 Westwind Drive  
El Paso, TX 79912  
Phone (915) 584-4457  
Fax (915) 581-7756

1

Thank you for your assistance.

Sincerely;

A handwritten signature in black ink, appearing to read "Georges Halloul", is written over a large, loopy oval scribble.

Georges Halloul  
SLI Engineering, Inc.



# **ATTACHMENT 6**

## **PLANNING AND INSPECTION DEPARTMENT – PLANNING**

Developer / Engineer shall address the following comments:

1: Submit to the Planning & Inspections Department – Planning Division the following prior to recording of the subdivision:

- a: Current certificate tax certificate(s)
- b: Current proof of ownership.
- c: Release of access document, if applicable.
- d: Set of restrictive covenants, if applicable.

2: Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

## **PLANNING AND INSPECTION DEPARTMENT – LAND DEVELOPMENT**

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments.

1. EPWater-SW Engineering requires retention of all developed storm-water runoff within the property.

2. Show existing and proposed drainage flow patterns on the preliminary plat.

3. On the Preliminary Plat, show and label the proposed pond location within the lot. Any proposed ponding area shall have enough capacity to hold the developed runoff for a designed 100-yr. storm event.

## **CAPITAL IMPROVEMENTS DEPARTMENT – PARKS**

We have reviewed **Aguilar Subdivision Unit 1** a major combination plat map and on behalf of CID Parks & Planning Division, we offer Developer / Engineer the following comments:

Please note that this subdivision is zoned "C-4" meeting the requirements for Non-residential uses (General commercial) as well as for Residential dwellings use (Multi-family) with a minimum lot area of 750 sq. ft. per dwelling however; applicant has submitted copy of preliminary covenants restricting the use to Non-residential uses therefore, "Park fees" will be assessed as follows:

- 1. **If** applicant provides copy of signed / recorded covenants restricting all residential uses and **if** gross density waiver is granted by the City Manager or the Planning Department designee, then Applicant shall be required to pay "Park fees" in the amount of **\$8,330.00** based on the following calculations:

Acreage 8.3263 (rounded to two decimals) @ \$1,000.00 per acre = **\$8,330.00**

Please allocate generated funds under Park **Zone E-10**

Nearest Park: **Paseo Del Sol Park**

**If** density/acreage is increased /decreased or the property zoning /use changes, then "Park fees" will be re-assessed based on applicable conditions.

## **EL PASO WATER**

Aguilar Subdivision Unit 1

A portion of Tract 6, Block 79, Township 3, Section 16, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas 8.3263 acres.

No sanitary sewer mains exist along Joe Battle Boulevard or Pellicano Drive fronting the subject Property.

### **Water**

Water

Along Joe Battle Boulevard fronting the subject Property there is an existing twelve ( 12 ) inch diameter water main. This main is available for service.

At the immediate vicinity of the intersection of Joe Battle Boulevard and Pellicano Drive there is an existing portion of a water transmission main. The size of this main is twenty-four ( 24 ) inches in diameter. This main is not available for service; no direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations.

Along Pellicano Drive there is an existing sixteen ( 16 ) inch diameter water transmission main.

Sanitary Sewer

Along Joe Battle Boulevard there are no existing sanitary sewer mains.

Along Pellicano Drive, between Joe Battle and Mission Ridge Drive., sanitary sewer improvements will be constructed with the County of El Paso, (County) Pellicano Street Improvement Project. Sanitary sewer mains will be available for service and main extensions upon completion and acceptance of the mains by EPWater.

There is an existing forty-two ( 42 ) inch diameter sanitary sewer interceptor aligned in a north to south direction that transects Pellicano Drive at Mission Ridge Drive. Service to the subject property is anticipated by means of extensions to discharge unto the described 42-inch diameter interceptor. All main extension costs are the responsibility of the owner/developer.

### **General**

Joe Battle Boulevard is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Joe Battle Boulevard right-of-way requires written permission from TxDOT.

EPWater requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

## **CENTRAL APPRAISAL**

No objections.

## **SUN METRO**

Recommend approval.

**TXDOT**

Requestor/owner/developer must be aware they need to contact TxDOT once they start planning to develop this property as TXDOT will require proper documentation for Grading and Drainage plan review as well as a Access Request approval.

TxDOT would not be opposed to a hike bike along Joe Battle should CPC deny the applicant's waiver request. TxDOT will require to leave the bike lane on Joe Battle as existing though, i.e., there will be a bike lane along the travel lanes to avoid having gaps if removed and the hike and bike and parkway between back of curb and right-of-way line.

**FIRE**

No objections from Fire on this case.